

FISCAL NOTE

HB 2915 - SB 2963

March 1, 2002

SUMMARY OF BILL:

- Present law authorizes the department of transportation to remove, store, sell, and dispose of personal property encroachments on the rights-of-way of highways under its jurisdiction at the expense of the owner after having given the owner an opportunity to remove the encroachment. The department mails notice to the owner if the owner's name and address can be determined after diligent searching.
- Rewrites the above notice provisions as follows:
 - If the department determines that the encroachment poses an immediate danger to the traveling public, then the department could remove the encroachment without giving the owner prior notice.
 - If the department determines that the encroachment does not pose an immediate danger to the traveling public and the owner's name and address can be determined after reasonable searching, then the department would:
 - Give the owner 10 calendar days notice of its plan to remove the encroachment at the owner's expense.
 - Serve the notice by certified mail and start counting the 10 days notice on the fourth day after the date of mailing.
 - The owner of personal property encroaching on the right-of-way of a highway under the jurisdiction of the department would be liable for damages to the department or third parties caused by the encroaching property.
 - The department would not have a duty to find and/or remove personal property encroachments on the rights-of-way under its jurisdiction.

ESTIMATED FISCAL IMPACT:

MINIMAL

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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